

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---------------------------------|---|-------------------------------|
| BOGDAN LIZAK, |) | |
| |) | |
| Plaintiff, |) | No. 08 C 1930 |
| |) | |
| v. |) | Judge Coar |
| |) | |
| GREAT MASONRY, INC., and |) | Magistrate Judge Nolan |
| KRZYSZTOF MENDYS, |) | |
| |) | |
| Defendants. |) | |

AGREED MOTION TO SET PROCEDURES AND SCHEDULE

Plaintiff Bogdan Lizak, with the agreement of Defendants Great Masonry, Inc., and Krzysztof Mendys, respectfully moves this Court for an order holding in abeyance the briefing of defendants' motion to dismiss Count VI, providing defendants until August 29 to answer or otherwise respond to the First Amended Complaint, and providing that if defendants renew or file a revised motion to dismiss Count VI as anticipated, they may do so through notice of filing and that plaintiff will then have until September 12 to respond and defendants will have until September 26 to reply. In support, Lizak states as follows:

1. This matter presents several state and federal claims alleging violation of wage and hour obligations, unlawful retaliation, and misclassification.

2. Pursuant to previous motion, and in accord with a schedule set by the Court, the defendants filed a motion to dismiss Count VI of the complaint and submitted

a supporting memorandum, and dates are set by which the plaintiff is to respond and the defendants are to reply.

3. On August 7, 2008, plaintiff filed its first amended complaint pursuant to Fed.R.Civ.P. 15(a)(2), with the consent of the defendants, and that first amended complaint potentially affects aspects of the motion to dismiss Count VI.

4. The parties ask that the defendants be granted until August 29 to answer or otherwise respond to the first amended complaint, with their expectation being that the defendants will file answers to all but Count VI of the first amended complaint and will either renew or file a modified motion to dismiss Count VI.

5. In order to minimize the time and expense, the parties ask that the defendants be permitted to file the motion to dismiss by notice, with the supporting memorandum attached, that the plaintiff have until September 12 to respond, and that the defendants have until September 26 to file their reply.

6. The parties anticipate proceeding with other steps in accord with their previous arrangements and order of this Court, and believe the process and schedule proposed here will allow the case to proceed in the most efficient manner possible.

WHEREFORE, Plaintiff Bogdan Lizak requests, with agreement of the defendants, that this motion be granted, that the defendants be allowed until August 29, 2008, to answer or otherwise respond to the first amended complaint; and that if the defendants present a modified motion to dismiss Count VI as anticipated, they be

permitted to do so by notice, that the plaintiff be granted until September 12 to respond, and that the defendants have until September 26 to reply.

Respectfully submitted,

/s/ Barry M. Bennett

Attorney for
Bogdan Lizak

Barry M. Bennett
DOWD, BLOCH & BENNETT
8 South Michigan Avenue, 19th Floor
Chicago, IL 60603
(312) 372-1361

F:\Employment\E-Lizak 08 C 1930\08.07.08 Filing 2\Agreed Motion to Set Procedures FINAL.wpd

CERTIFICATE OF SERVICE

I certify that I will file the attached notice of motion and motion through the electronic case filing system, on August 7, 2008, which will result in service of these documents on the following attorney:

John J. Lynch, Esq.
James L. Kopecky, P.C.
190 S. LaSalle, Suite 850-A
Chicago, IL 60603

/s/ Barry M. Bennett